

Law and Courts of Justice in Old Jakarta

R. Sukanto

10 ATENEO L.J. 419 (1961)

SUBJECT(S): PRIVATE INTERNATIONAL LAW

KEYWORD(S): JACARTA, INDONESIA, COURTS, LAW

THE ARTICLE DEALS WITH THE DIFFERENT KINDS OF LAW AND COURTS OF JUSTICE THAT WERE IN EXISTENCE IN THE TIME OF THE OLD JACARTA. THE TERM "OLD" IS OPERATIONALIZED BY THE AUTHOR IN THREE (3) WAYS WITH REFERENCE TO JACARTA, THAT IS: (1) SUNDA CALAPA; (2) JAYACARTA, AND; (3) BATAVIA AND SURROUNDINGS. THUS, WHEN JACARTA WAS STILL CALLED SUNDA CALAPA, THE INDIGENOUS LAW WAS LARGELY INFLUENCED BY PARTS OF HINDUISM (ON THE WHOLE CALLED ADAT-LAW). WHEN IT WAS REFERRED TO AS JAYACARTA, THE INDIGENOUS LAW WAS INFLUENCED BY PARTS OF ISLAM. DURING THE PERIOD OF THE EAST INDIAN COMPANY WHEN IT PERTAINED TO BATAVIA AND SURROUNDINGS, THE LAW WHICH PREVAILED WAS THE LAW OF THE COMPANY OR THE DUTCH LAW AND ROMAN LAW. DURING THE PERIOD OF DAENDELS, HOWEVER, WESTERN LAW AND WESTERN COURTS WERE PUT IN FORCE. IN THE RAFFLES PERIOD, LASTLY, WESTERN COURTS WERE ALSO USED. THE LAW AND THE SYSTEM OF THE COURTS TOOK AFTER WHAT WAS USED IN ENGLAND. A JURY WAS EVEN SET UP IN THE COURT OF JUSTICE OF BATAVIA; SIMILARLY, SMALL PRIVATE CASES AND MATTERS IN CONNECTION WITH RELIGION WERE DEALT WITH BY WESTERN COURTS.